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09/813,386	03/20/2001	Christopher Richard Uhlik	15685P093	3491

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/813,386

**Applicant(s)**

UHLIK ET AL.

**Examiner**

Naghmeh Mehrpour

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 29 July 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1, 4-8, 11-18, 22-25**, are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al. (US Patent 6,804,250)

Regarding **Claims 1, 13, 22**, Johansson teaches a method comprising: a communication device establishing a wireless communication session with a remote user terminal( col 4 lines 37-41), the wireless communication session having associated therewith a first session time limit (col 7 lines 50-54), the communication device **detecting a session renewal** (col 7 lines 35-443), and the communication device **altering the first session time limit** in response to detecting the session renewal (see figure 7, col 7 lines 30-55).

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Regarding **Claims 4, 11, 25**, Johansson inherently teaches a method wherein the session renewal is caused by the communication device detecting active data exchange between the remote user terminal and the, **communication device** prior to the lapse of the session time limit (col 7 lines 50-55).

Regarding **Claims 5, 12**, Johansson inherently teaches a method wherein **the communication device altering the session time limit comprising the communication device extending the session time limit by a time limit is equal in duration to the original of the session time limit** (col 6 lines 21-25). When there is no interruption.

Regarding **Claims 6-7, 14**, Johansson inherently teaches a method wherein **communication device altering the session time limit comprises the communication device extending the session renewal is received by the communication device from the remote user** (see figure 7, col 6 lines 42-58). By interrupting the system the session time limit extends.

Regarding **Claims 8, 16**, Johansson teaches a method comprising: a communication device providing a session to a remote user terminal, the session having associated therewith a first session time limit (col 5 lines 47-59, the communication device determining whether a session renewal has been generated; and **upon lapse of the first session time limit** (col 7 lines 51-55), the communication device determining whether a session renewal has been generated; and if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (col 6 lines 21-30).

Regarding **Claims 15, 17, 23**, Johansson teaches an apparatus wherein the session management means is coupled to the timing mechanism, **and wherein the session management means 25a**

**altering the time in response to the predetermined condition (col 7 lines 40-50) comprises the session management means indicating to the timing mechanism to delay or extend the time limit in response to the predetermined condition (col 5 lines 45-55).**

Regarding **Claim 18, 25**, Johansson teaches a method wherein **the session management means altering the time limit in response to the predetermined condition** further includes the session management means detecting at least one channel utilized by the external entity for the data exchange (see figure 7, col 7 lines 40-50).

Regarding **Claim 24**, Kumar teaches an apparatus wherein the time limit is determined **based at least in part on** a quality of service (checking the error) parameter of the external entity (col 5 lines 52-57).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3, 9-10**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson et al. (US Patent 6,804,520) in view of Fukushima et al. (US Patent Number 6,587,985).

Regarding **Claims 2-3**, Johansson fails to teach a method wherein the communication **device detecting a session renewal further comprises device receiving** session renewal is caused by a priority status associated with the remote user terminal. However Fukushima teaches a

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method wherein the communication **device detecting a session renewal further comprises device receiving** session renewal is caused by a priority status associated with the remote user terminal. (receiver end, col 15 lines 11-28). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fukushima with Johansson, to provide a data transmission and receiving apparatus, which can improve the transmission quality in a radio section in real-time transmission.

Regarding **Claims 9-10**, Johansson fails to teach a method wherein the communication **device determining whether a session renewal has been generated further comprises the communication device receiving** an indication of the priority status from the remote user terminal. However Fukushima teaches a method wherein the communication **device determining whether a session renewal has been generated further comprises the communication device receiving** an indication of the priority status from the remote user terminal (receiver end, col 11 lines 11-28). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fukushima with Johansson, to provide a data transmission and a data receiving apparatus, which can improve the transmission quality in a radio section in real-time transmission.

5. **Claims 19-21**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson et al. (US Patent 5,533,025) in view of Fukushima et al. (US Patent Number 6,587,985) in further view of Widdergren (US Patent Number 6,374,112 B1).

Regarding **Claim 19**, Johansson teaches an apparatus wherein the **session management means for altering the time limit in response to the predetermined condition** (col 21 lines 60-67, col 22 lines 1-31). Johansson modify by Fukushima fails to teach wherein the method includes

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detection of **the session management means detecting** network congestion. However Widdergren teach wherein the method includes detection of **the session management means detecting** network congestion (col 7 lines 35-40). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Widdergren with Johansson modify by Fukushima, in order provide better speech service with higher delay tolerance and congestion level.

Regarding **Claims 20-21**, Johansson modify by Fukushima fails to teach an apparatus wherein network congestion is characterized at least in part by a number of session **open** channels that are active. However Widdergren teaches an apparatus wherein network congestion is characterized at least in part by a number of session **open** channels that are active (Col 12 lines 12-32).

Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Widdergren with Johansson modify by Fukushima, in order provide better speech service with higher delay tolerance and congestion level.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-25, have been considered but are moot in view of the new ground(s) of rejection.

7. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

November 15, 2004

MELODY MEYER  
PATENT ATTORNEY  
